

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on May 20, 2003, and the references cited therewith.

Claim 5 is canceled. As a result, claims 1, 3, 4, 10, 11 and 13-16 are now pending in this application.

### **Claim Objection:**

The Examiner has objected to claim 5 as being a duplicate of claim 4. The Applicant has cancelled claim 5.

### **\$102 Rejection of the Claims**

Claims 1, 3-5, 10, 11 and 14 and 15 were rejected under 35 USC § 102(e) as being anticipated by Williams (U.S. 2001/0051265). The Williams patent application has a filing date of April 9, 2001, which is about six months AFTER the filing date of the present application, which is September 14, 2000. Thus, the Williams patent application is not an appropriate 102(e) reference. In order to be a 102(e) reference, the reference must show that the invention described in the published application was filed by another in the United States, before invention by the applicant. In the present case, the applicant filed her patent application more five months before Williams filed. This is also reflected in the serial numbers. Thus, the Williams reference is junior to the present application and does not show prior invention. The Williams patent application does not anticipate the present invention. The Applicant respectfully requests that this ground of rejection be withdrawn.

### **\$103 Rejection of the Claims**

Claims 1, 15 and 16 were rejected under 35 USC § 103(a) as being unpatentable over Williams, as applied to claims 1, 3-5, 10, 11 and 14 in view of either the Photopia® or Chromicolor® Product Bulletins. Claims 1, 15 and 16 were rejected under 35 USC § 103(a) as being unpatentable over Williams, as applied to claims 1, 10, 11, 14 and 15 in view of either the Photopia® or Chromicolor® Product Bulletins. As discussed above, the Williams reference does not anticipate the present invention because the application was filed more than a year after



the Applicant filed. For the same reason, the Williams reference does not render the present invention obvious. Combination of the Williams reference with the Bulletins does not then render the present invention obvious because applicant's invention was described and filed in a patent application more than five months before Williams. The combination of references indicates that the Examiner acknowledged that the Bulletins do not stand alone to render the present invention obvious.

### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6976) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JODI A. DALVEY ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
612-373-6976

Date 20 Aug 03

By Jamal M. Kalis  
Jamal M. Kalis  
Reg. No. 37,650

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 20 day of August, 2003.

**Candis B. Buending**

Name

Signature